# Legislative (1895) Department.

ORDINARY PRINTED.

G.O., No 93-94

Dated 4th Oct. 1895

INDEXED.

30/31

[Despatch Abstract.]

BILLS -- LEGISLATIVE.

Directing the publication in the Fort St George Gazette in English and Malayalam of a Bill to make better provision for the registration of proprietors of land subject to the payment of land revenue to Government in Malabar and the Wynaad, and of a Bill to limit the local extent of the Madras Rent Recovery Act VIII of 1865.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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| | | | | | | | |

No 2 of 1895 E.

An Act to make better provision for the registration of proprietors of land subject to the payment of land revenue to Government in Malabar and the Wynaad.

Whereas Regulation XXVI of 1802 -- provides that the property of landed estates paying revenue to Government shall be registered by the Collector in the public registers kept for that purpose, and whereas the proprietors of -- such estates in Malabar and the Wynaad have in many cases not been so registered, and whereas it is desirable for the security of the public revenue to provide a summary means whereby the Collector may ascertain such proprietors, subject in cases of dispute to the ultimate decision of the Civil Courts, it is hereby enacted as follows:--

1. (1) This Act may be called the Malabar Land Registration Act, 1895.

(2) It

(2) It extends to the whole of the Malabar district and to that portion of the Nilgiri district which is known as South-east Wynaad.

2. In this Act unless there is some-thing repugnant in the subject or context

''Estate'' means any land which belongs or is claimed to belong to a separate - y proprietor or a separate body of joint proprietors and which is subject eithe now or prospectively to the payment of land revenue direct to Government.

''Manager'' means every person who is appointed by the Collector, the Court of Wards, or any Civil or Criminal Court t manage any estate; and every person wh is in charge of an estate on behalf of a minor, idiot, lunatic or person other-wise disqualified, or on behalf of a -- religious or charitable foundation.

''Registered''

''Registered'' means registered in the public registers maintained by the Collector in accordance with the provisions of Regulation XXVI of 1802.

''Proprietor''includes a jarmi.

3. (1) Within such time as the District Collector may fix as herein-after provided, any person who is or claims to be the proprietor or joint proprietor of an estate may, if his name is not already registered, make application to the District Collector or to an officer empowered by him to receive such application for the registration of his name as proprietor of the estate.

(2) If an estate is in charge of a Manager, the Manager may make the application aforesaid.

4. The District Collector shall fix for each taluk or such other local area as he may deem fit the date or dates before which the proprietors of the estate

situated

situated therein may apply to have -- their names registered under the last preceding section and may at any time alter any date so fixed.

Provided that such date or altered date shall ~~xx~~ not be less than two months or more than four months later than the date of the publication of the same in the district gazette.

5. Every date fixed as provided in the last preceding section shall be notified in the Fort Saint George and District Gazettes, and by notices to be ~~xxx~~ posted up at the Offices of the District Collector, the Revenue Divisional Officer, District Munsif, Tahsildar and Sub Registrar of Assurances and at all police -- stations, within the local jurisdiction of which office or stations the taluk or local area to which the date applies is situated, and shall also be proclaimed by beat of drum within every local area to which the date applies.

Provided

Provided that no irregularity or omis-sion in the publication of the notices or the proclamations referred to in this section shall affect the validity of any proceedings under this Act.

6. On the expiry of the date so -- fixed or as soon thereafter as conveni-ently may be, the Collector shall, wheth-er an application for registration un-der the preceding sections has been --- made or not and whether or not there is any dispute as to the entry to be made in the register, ascertain and deter-mine by such summary inquiry as he ---- thinks fit, in respect of every estate to which the date applies, the person who, in his opinion, is best entitled to be registered as proprietor thereof and shall register him accordingly; -- and if such estate shall not previously have been separately surveyed or de-marcated or both may cause it to be separately surveyed or demarcated or both.

7. The

7. The Collector in any inquiry under the last preceding section shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party.

8. Every registration made in accordance with the procedure prescribed by this Act shall be subject to any decree or order which may be passed by any Civil Court of competent jurisdiction: Provided that the Secretary of State or the Collector shall not be made liable in costs in any suit to set aside or modify a registration ordered by the Collector under colour of this Act.

9. If the person registered under section 6 of this Act has not made an application under section 3 of the Act, the Collector shall give him notice of the registration by the immediate publication of the fact in the District Gazet

to

10. (1) The

10. (1) The Board of Revenue may prescribe the fees to be paid for the service of summonses issued under -- Madras Act III of 1869 in connection - with inquiries and proceedings under - this Act.

(2) All costs of any enquiry or proceeding held before or any survey or demarcation directed by the Collector under this Act shall be payable by the parties concerned and the Collector may pass such orders as he shall think fit in respect of the payment of such costs; and in the event of such - costs not being paid on demand may recover the amount thereof in the same -- manner as if it were an arrear of land revenue and pay the sum so recovered to the person entitled to receive it.

11. On the transfer of the proprietary ~~right~~ interest in any estate whether by purchase, inheritance, gift or otherwise any mutation that may be required of the name of the proprietor registered

under

under section 6 of this Act shall take place in conformity with the provisions of Regulation XXVI of 1802

12. Every registered proprietor shall be considered to be the landholder of the estate in respect of which his name is registered within the meaning of and for the purposes of the Revenue Recovery Act II of 1864 of the Madras -- Code and no process taken against him under the said Act shall be called in question in any Court of Law on the -- ground merely of any error in such ---- registration.

13. The Board of Revenue may make subsidiary rules for the carrying out of the purposes of this Act.

14. Notwithstanding anything contained in Regulation I & II of 1803 of the Madras R Code, no appeal shall lie to the Board of Revenue from any order

made

transaction is duly recorded in the

made by the District Collector under this Act.

15. Except as otherwise provided by this Act, no Civil Court shall have --- jurisdiction in any matter which the -- Collector is empowered by or under this Act to dispose of, or take cognizance of the manner in which the Collector exercises any powers vested in him by or under this Act.

16. Nothing contained in this Act and nothing done in accordance with this Act shall be deemed to

(a) preclude the Local Government or any person from bringing a regular suit for possession of or for a declaration of right to any immovable property to - which the Local Government or such person may deem itself or himself entitled; or

(b) render a registration under this Act an admission on the part of the ---- Local Government of the right of the ---

person

pearson in whose name such estate may be registered or an admission of the - validity of the title under which the estate is held; or

(c) affect the rights of the Local Government or of any person in respect of any estate or of any interest therein except as otherwise expressly provided herein.

17. The Local Government may by -- notification suspend the operation of this Act in any specified portion of the districts to which it applies and may by subsequent notification bring it again into operation.

1895
Legve
Volume No. 1
C. No. 252.

Statement of Objects & Reasons.

Regulation XXV of 1802 of the Madras Code contemplates that the person responsible for the payment of the land revenue shall be the proprietor registered under the Regulations; while the legal remedies provided by Act II of 1864 (M.) for the recovery by Govt. of this revenue have to be taken against the "landholder" as defined by that Act.

2. In other parts of the Presidency the Government, in accordance with the Regulation, has always dealt or assumed to deal with the ostensible owner, and if transfers of proprietary right have not always been duly registered, the Govt revenue is amply protected by the Regulation itself which imposes on the person, who, subsequently to the primary registration, may alienate his interest, the duty of seeing that this transaction is duly recorded in the Collector's registers; the neglect of this precaution being at his peril, such

until the transfer is registered he remains liable for the payment of the revenue on his lands.

3. In Malabar and in the Wynaad the original registration intended by the Regulation does not appear to have been at any time generally carried out, the Government having professedly dealt as a rule with the occupying tenant and not with the proprietors or jannis under whom, directly or indirectly, the tenants hold. In view of this state of things, the High Court of Judicature at Madras held in Secretary of State vs. Ashtamurti (I.L.R. XIII Madras p 89.) that in the case of private jannam lands in Malabar, the jannii is legally entitled to be registered under the Regulation of 1802 as proprietor; that he is the person to be treated as the landholder under the Revenue Recovery Act II of '64 (Madras); that the Govt should deal with him both in settling the revenue payable on his lands and in taking steps for its realization; and at all dealings as if he were the

proprietor with a third person who has not been put forward by the jannii himself as his legal representative for the purpose of assessing the revenue are inconsistent with the provisions of the law.

4. This decision has rendered it advisable for the security of the Govt. land revenue that the practice of settling with the occupants who are not proprietors should be discontinued and that the jannis themselves should be ascertained and registered in the public registers maintained under the Regulation and be held primarily responsible for the revenue.

The Govt has accordingly resolved to carry out the new settlement of Malabar in conformity with the requirements of the law as enunciated by the high court; and as regards the Wynaad, which has already been settled, to revise the settlement registers in a similar manner.

5. But although the law imposes upon the Collector the duty of registration, it gives him no legal authority to decide questions of proprietary right, nor does it pro-

any machinery for the purpose. It is therefore deemed expedient to enact provisions empowering him to ascertain who the jamnis or proprietors to be registed are, and in case of dispute, to determine this by summary inquiry, leaving objecting parties to have their titles established in the Civil Courts. The provisions are drawn on the lines of the Acts in force in the Punjab, Central Provinces and Elsewhere, under which the records of rights maintained in those provinces are prepared and kept up.

6. The Bill provides that before the Collector commences his work, an opportunity shall be given to the jamnis to come forward and apply for registration. The Collector will be thus placed in a better position to proceed with his investigation.

7. The Bill then provides that the person whose name is registered in the Collector's books as the proprietor of the land shall be regarded as the land-holder for the purposes of the Revenue Recovery Act (II of '64) and that no process taken thereunder against him for the recovery of the revenue due on such land shall be questioned in any Civil Court.

8. The Collector's decision as regards title will be binding only to the extent of validating such process. Under S.S. 35 & 37 of Act II of '64 (M.), it is open to any person claiming to be jamni of any land on which arrears of land revenue are due, to pay the arrears and so save the land from sale.

Except as provided by the Bill, nothing contained in it will preclude either private persons or the Govt. from contesting in the regular way by suit in the Civil Court the title or interest of any person registered in accordance with the procedure prescribed by the Bill.

Draft
Bill no. II

An Act to make better provision for the registration of proprietors of land subject to the payt of land revenue to Govt in the Malabar & Wynaad
with
Statement of Objects & Reasons

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1895
Legis. Dept.
Number No. 2
Date
O. No. 252.

No. 3 of 1895

An ACT to limit the local extent of the Madras Rent Recovery Act, VIII of 1865.

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Whereas it is expedient to exclude the Malabar District and the portion of the Nilgiri District, known as South-East Wynaad, from the operation of Act VIII of 1865 (Madras), it is hereby enacted as follows:-

1. The provisions of the Madras Rent Recovery Act, VIII of 1865, as amended by Madras Acts II of 1871 and III of 1890, shall not apply to the Malabar District nor to that portion of the Nilgiri District which is known as the South-East Wynaad.

Statement of objects and reasons.

Although 30 years have elapsed since Act VIII of 1865 (M) was passed the janmis of Malabar have not made use of its provisions nor availed -- themselves of the summary powers of distraint which it gives for the recovery of the rents due from their -- tenants. The janmis on the contrary have always resorted to the ordinary procedure of the Civil Courts in dealing with their tenants in matters of rent. Why the Act has remained a dead letter is not altogether clear; but there are reasons connected with the relations existing between Hindu -- landlords and Moplah and other tenants, which make it inadvisable that the Act should be applied ~~with the~~ there. Accordingly and in conformity with the practice prevailing locally, the Government deems it expedient that the Act should be formally declared to have no legal operation in Malabar; and the present measure is introduced for that purpose.

With Malabar is included the -- South-East Wynaad, which was formerly part of that District, but is now for administrative purposes attached to the Nilgiri District.

(Intd.) G. S. F.

7/9/95.

~~G.No. 5884 of 1895.~~

Draft

Bill No. I.

An ACT to exclude the Malabar District and South-East Wynaad from the operation of Madras Act VIII of 1865.

-----:o:-----

Draft Bill

&

Statement of Objects and Reasons.

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received me on the afternoon of the 3rd 3/11/95

The Bills with the Statements of Objects and Reasons should be published in English and Malayalam as soon as possible under Rule 33 of the Madras Rules under the Indian Councils Acts.

The Secretary should be able to send the Bills to the Legislative Dept. by October, 2nd. It will, I expect, --- take the Malayalam Translator 10 days to translate. This will get them ready for publication in the Fort Saint George -- Gazette by say the 15th. If they come - out in the Gazette of that day 15 clear days from then will bring us to Novr. - 1st. So that on this calculation, we --- can take up the Bills any day after that date. So let us call the first meeting of the Legislative Council for Monday Novr. 4th. at 11 A.M.

Due notice should be given (at the same time) that the Hon. Mr. Bliss (if he would kindly undertake it) will give notice to move under Rule 70 to suspend the Standing Orders in view to the immediate passing of the Bills.

The references (confidential) mentioned by the Hon. Mr. Bliss should be made with the request that answers

may

may be sent in by October 21st. at --- latest.

As I have already said, I hope the Hon. Mr. Bliss will kindly undertake the Bills.

(Intd.) W.

30 Sep.

Lg 93-94 8 4/10

II. I had asked the Hon. Mr. Bliss to undertake the introduction and carrying through of this Bill, as I understood from the Hon. Mr. Grose that he was so unable to follow the course of the debate that he found himself not doing justice to the subject under discussion. But as he has expressed himself willing to introduce the two bills and the Hon. Mr. Bliss will conduct the controversial part, should any arise, I shall be much obliged if this course is adopted.

(Intd.) W.

2 Oct.

Lgn 5/5

252

F 16 3,000—14-7-94.

CURRENT NO 2

REVENUE DEPARTME

8 4/10

# PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Read~~

Order, No. 3964 Mis:, dated 2d October 1

I. A Bill to exclude the Malabar District and South East Wynaad from the operation of Madras Act VIII of 1865.

II. A Bill to make better provision for the registration of proprietors of land subject to the payment of land revenue to Government in Malabar and the Wynaad.

The draft Bills noted on the margin will be transferred to the Legislative Department with a request that very early steps may be taken to introduce them into the Legislative Council.

(True Extract)

J. Garbett
for Revenue Secretary.

To

The Legislative Department
with the Bills and draft Statements of objects and Reasons and copy of H. E's note.

0—4-3-1893.

obt. of {1895} Madras.

REVENUE.

The Legislative
Department.

UNDER SECRETARY
30 OCT 95
PUBLIC ETS DEPT.

ated

eed

Encl. 5

Reyd 4th actg

Mis. G.O., 2 Oct. 1895, No. 3964.
R.

SUBJECT.

Forwarding two Bills with
e request that very early steps
may be taken to introduce them
the Legislative council.

To be returned to Legislative
Dept. as per No 93 dated
Dt. c.

0—4-3-1893.

Government Secretariat.

On Her Majesty's Service only.

To

The

No.

EDUCATIONAL AND LEGISLATIVE DEPARTMENT.

Letter from the Govt of India No 2265
236-2

[G. 24.]
500—23-7-95.

Ly. DEPARTMENT.

Papers to be read in proceedings :—

28

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 252 of 1895, dated 20th Oct, from Rev. Dept

" " " 189 , " , "

" " " 189 , " , "

Read attached papers at present unregistered.

ORDER. 4-10-95 No 93

Under No. 33 of the Rules for the Conduct of Business at meetings of the Council of the Governor of Fort Saint George for the purposes of making Laws and Regulations made under the provisions of the Statute 24 & 25 Victoria Act of Parliament, cap. 67, H.E. the Governor directs the publication in the Fort St. George Gazette in English and in Malayalam of the undermentioned Bills together with the statements of their objects and reasons.

(i) A Bill to make better provision for the registration of proprietors of land subject to the payment of land revenue to Govt in Malabar and Wynaad.

(ii) A Bill to limit the local extent of the Madras Rent Recovery Act. VIII of 1865.

2. Copies of the Bills & the statem

their objects & reasons will be applied to the Supdt. Govt Press & the Malayalam Translator to Govt with the intimation that arrangements should be made for their publication in English & Malayalam in the Gazette of 4th October

Fr. O.

D

3/10/95

To the Supdt. Govt Press (with bills)
The Malayalam Translator with bills &c
Govt.

VE

JG
3/10/95

HW
4/10/95

W
4 Oct

Leg. Dept
Letter dy 4-10-95 No 94.

To the Secy to the Govt of India
Rev. Dept.

38

Sir,

With reference to your letter no 2299/226-2 d. 7th sept. 1895, which I am directed to acknowledge, regarding special legislation in connection with the revenue settlement of Malabar, I have now the honour to forward drafts of two Bills which H.E. the Rt. Hable the Governor in Council has directed to be published under rule 33 of the Madras Leg. Council rules

2. The purpose of both the bills is fully explained in Mr Fabers' letter no 2521 d. 25th June 1895, and is concisely recited in the "Statements of objects & reasons" which accompany the bills.

3. Bill no. I withdraws Malabar & S. Wynaad from the operation of Act VIII of 1865 (M), leaving the landlords, as they have always done in the Malabar country, to proceed against

defaulting tenants for the recovery of arrears in the ordinary way in the civil courts. In para. 11 of the letter last quoted it was stated that this Govt. proposed to grant the jammis the same powers of distraint through the civil courts which the Zamindars in Bengal possessed and under Chap VII of the Bengal Tenancy Act of 1885. In para. 3 of your letter under acknt you ask, however, that the q^n may be carefully considered whether there is any real necessity for distraint; & you point out that in the Punjab nothing in the nature of distraint exists, the landlord being left to his remedy by civil suit. This has virtually been the practice everywhere in Malabar; and although under the new settlement the responsibility of the jammis will in many instances be materially enhanced, and consequently greater facilities for realizing the rents due to them may be claimed, nevertheless H.E. the Governor in Council has, on reconsideration, decided not to

as has always been the case in Malabar



introduce into the present measure any provisions conferring on landlords special powers of distraint. H.E. in Council proposes to leave the subject to be dealt with in connection with the tenancy laws for Malabar, which is at present engaging the attention of this govt. The Bill is therefore confined to one section, limiting the local operation of Act VIII of 1865.

4. Bill no II provides for the registration of proprietors or jammis who are subject to the payt of land revenue to govt. . . . It follows the lines rather of the Punjab (Act XVII of 1887) the Cent. Provinces (Act XVIII of 1881), & other Codes, than of the Bengal Act VII of 1876, its provisions being thus, as recommended by the Govt of India, of a more summary character than those of the last mentioned enactment. In your letter it is suggested that provision shd be made enabling any person who claims to be a jammi of any land on which revenue arrears are due to pay the

arrears & so to save the land from sale, & entitling him to recover the same money so paid from the real owner, his claim to the land be dismissed. With regard to this suggestion, I am to point out that ss 35 & 37 of Mad. Act II of 1864 enable any person who claims an interest in land about to be attached or sold for revenue arrears to step in & by paying the arrears to release the attachment & stay the sale. H.E. in C. is not disposed to go further than this & to enact that any person who chooses to make a such claim & pay the arrear shd be entitled to recover the amount so paid from the real proprietor, if the the claim is dismissed. It may well be that the real proprietor, whose having a very remotely interest (on the land) will have interest may be very small, has no desire to retain the land but would prefer wishes to let it go; and in such circs H.E. in C. considers that it is unnecessary that he shd be disenabled from taking advantage of a revenue sale for this purpose. If the arrears are paid by a tenant, or a bonâ fide mortgagee or incumbrancer the sections 35 & 37 quoted above the person so interested has by a charge upon the land for the amt paid, which is also constituted a debt from the defaulter to him. For the foregoing reasons the Bill omits any provision of the kind suggested.

5. The date which I was desired to add that has been fixed for the introduction of the Bills into the Leg. Council is the 4th Nov.; & I am to request that any observations which H.E. in C. may see fit to communicate to this Govt. regarding them may be transmitted by telegram.

S.R. 3/1075
for C.S.

Leg. Dept

Draft to Govt of India
regarding Malabar Bills R.D.

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Hon Mr. Gross
P - Mr Bliss C.S.I.
H.E. the Governor -

No. 94, LEGISLATIVE, 4TH OCTOBER 1895.

# LEGISLATIVE DEPARTMENT.

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LETTER—from

THE HON'BLE MR. J. F. PRICE, C.S.I., I.C.S.,
*Chief Secretary to the Government of Fort St. George,*

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

SIR,

With advertence to your letter, No. 2299—236-2, dated 7th August 1895, which I am directed to acknowledge, regarding special legislation in connection with the Revenue Settlement of Malabar, I have now the honour to forward drafts of two Bills which His Excellency the Right Honourable the Governor has directed to be published under rule 33 of the Madras Legislative Council rules.

2. The purpose of both the Bills is fully explained in Mr. Forbes' letter, No. 2521, dated 25th June 1895, and is concisely recited in the "Statements of Objects and Reasons," which accompany the Bills.

3. *Bill No. I* withdraws Malabar and South-East Wynaad from the operation of Act VIII of 1865 (M.), leaving the landlords to proceed against defaulting tenants for the recovery of arrears in the ordinary way in the civil courts as has always been the case in Malabar. In paragraph 11 of the letter last quoted it was stated that this Government proposed to grant the janmis the same powers of distraint through the civil courts as the Zemindars in Bengal possessed under chapter XII of the Bengal Tenancy Act of 1885. In paragraph 3 of your letter under acknowledgment you ask, however, that the question may be carefully considered whether there is any real necessity for distraint; and you point out that in the Punjab nothing in the nature of distraint exists, the landlord being left to his remedy by civil suit. As before explained, this has virtually been hitherto the practice everywhere in Malabar; and although under the new settlement the responsibility of the janmis will, in many instances, be materially enhanced, and consequently greater facilities for realizing the rents due to them may be claimed, nevertheless His Excellency the Governor in Council has, on reconsideration, decided not to introduce into the present measure provisions conferring on landlords special powers of distraint. His Excellency in Council proposes to leave the subject to be dealt with in connection with the tenancy law for Malabar, which is at present engaging the attention of this Government. The Bill is therefore confined to one section, limiting the local operation of Act VIII of 1865.

4. *Bill No. II* provides for the registration of proprietors or janmis who are subject to the payment of land revenue to Government. It follows the lines rather of the Punjab (Act XVII of 1887), the Central Provinces (Act XVIII of 1881), and other codes, than of the Bengal Act VII of 1876, its provisions being thus, as recommended by the Government of India, of a more summary character than those of the last-mentioned enactment. In your letter it is suggested that provision should be made enabling any person who claims to be a janmi of any land on which revenue arrears are due to pay the arrears and so to save the land from sale, and entitling him

to recover the money so paid from the real janmi, should his claim to the land be dismissed. With regard to this suggestion, I am to point out that sections 35 and 37 of Madras Act II of 1864 enable any person who claims an interest in land about to be attached or sold for revenue arrears to step in and by paying the arrears to release the attachment or stay the sale. His Excellency in Council is not disposed to go farther than this and to enact that any person who chooses to make a claim and pay the arrear should be entitled to recover the amount so paid from the real proprietor, if the claim is dismissed. It may well be that the real proprietor, having a very small interest, will have no desire to retain the land but would prefer to let it go; and in such circumstances, His Excellency in Council considers that it is unnecessary that he should be disenabled from taking advantage of a revenue sale for this purpose. If the arrears are paid by a tenant, or a *bonâ fide* mortgagee or incumbrancer, the person so interested has, by sections 35 and 37 quoted above, a charge upon the land for the amount paid, which is also constituted a debt from the defaulter to him. For the foregoing reasons the Bill omits any provision of the kind suggested.

5. The date which has been fixed for the introduction of the Bills into the Legislative Council is the 4th November, and I am to request that any observations which His Excellency the Governor-General in Council may see fit to communicate to this Government regarding them may be transmitted by telegram.

I have the honour to be,
Sir,
Your most obedient servant,

G. S. FORBES,
for *Chief Secretary*.

Ootacamund,
*4th October* 1895.

Original.

1895.

LEGISLATIVE DEPARTMENT.

*From the Government of*
*Fort St. George.*

*Issued*

*Recd.* *Encl.*

Letter, No. 94, 4th October 1895.

OCTOBER.

**Bills—Legislative**

Forwarding to the Government of India drafts of Bills to make better provision for the registration of proprietors of land subject to the payment of land revenue to Government in Malabar and Wynaad and to limit the local extent of the Madras Rent Recovery Act, VIII of 1865, with a request that any observations which His Excellency the Governor-General in Council may see fit to communicate to this Government regarding them may be transmitted by telegram.

No. 2 OF 1895.

A

# BILL

TO

*Make better provision for the registration of proprietors of land subject to the payment of land revenue to Government in Malabar and the Wynaad.*

WHEREAS Regulation XXVI of 1802 provides that the property of landed estates paying revenue to Government shall be registered by the Collector in the public registers kept for that purpose, and whereas the proprietors of such estates in Malabar and the Wynaad have in many cases not been so registered, and whereas it is desirable for the security of the public revenue to provide a summary means whereby the Collector may ascertain such proprietors, subject in cases of dispute to the ultimate decision of the Civil Courts, it is hereby enacted as follows:—

**1.** (1) This Act may be called the Malabar Land Registration Act, 1895.

(2) It extends to the whole of the Malabar district and to that portion of the Nilgiri district which is known as South-East Wynaad.

**2.** In this Act, unless there is something repugnant in the subject or context—

"Estate" means any land which belongs or is claimed to belong to a separate proprietor or a separate body of joint proprietors and which is subject either now or prospectively to the payment of land revenue direct to Government.

"Manager" means every person who is appointed by the Collector, the Court of Wards, or any Civil or Criminal Court to manage any estate; and every person who is in charge of an estate on behalf of a minor, idiot, lunatic or person otherwise disqualified, or on behalf of a religious or charitable foundation.

"Registered" means registered in the public registers maintained by the Collector in accordance with the provisions of Regulation XXVI of 1802.

"Proprietor" includes a janmi.

**3.** (1) Within such time as the District Collector may fix as hereinafter provided, any person who is or claims to be the proprietor or joint proprietor of an estate may, if his name is not already registered, make application to the District Collector or to an officer empowered by him to receive such application for the registration of his name as proprietor of the estate.

(2) If an estate is in charge of a manager, the manager may make the application aforesaid.

**4.** The District Collector shall fix for each taluk or such other local area as he may deem fit the date or dates before which the proprietors of the estates situated therein may apply to have their names registered under the last preceding section and may at any time alter any date so fixed.

Provided that such date or altered date shall not be less than two months or more than four months later than the date of the publication of the same in the District Gazette.

**5.** Every date fixed as provided in the last preceding section shall be notified in the Fort St. George and District Gazettes, and by notices to be posted up at the office of the District Collector, the Divisional officer, District Munsif, Tahsildar and Sub-Registrar of Assurances and at all police stations, within the local jurisdiction of which office or stations the taluk or local area to which the date applies is situated, and shall also be proclaimed by beat of drum within every local area to which the date applies.

Provided that no irregularity or omission in the publication of the notices or the proclamations referred to in this section shall affect the validity of any proceedings under this Act.

**6.** On the expiry of the date so fixed or as soon thereafter as conveniently may be, the Collector shall, whether an application for registration under the preceding sections has been made or not, and whether or not there is any dispute as to the entry to be made in the register, ascertain and determine by such summary inquiry as he thinks fit, in respect of every estate to which the date applies, the person who, in his opinion, is best entitled to be registered as proprietor thereof and shall register him accordingly; and if such estate shall not previously have been separately surveyed or demarcated or both may cause it to be separately surveyed or demarcated or both.



**7.** The Collector in any inquiry under the last preceding section shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party.

**8.** Every registration made in accordance with the procedure prescribed by this Act shall be subject to any decree or order which may be passed by any Civil Court of competent jurisdiction: Provided that the Secretary of State or the Collector shall not be made liable in costs in any suit to set aside or modify a registration ordered by the Collector under colour of this Act.

**9.** If the person registered under section 6 of this Act has not made an application under section 3 of the Act, the Collector shall give him notice of the registration by the immediate publication of the fact in the District Gazette.

**10.** (1) The Board of Revenue may prescribe the fees to be paid for the service of summonses issued under Madras Act III of 1869 in connection with inquiries and proceedings under this Act.

(2) All costs of any enquiry or proceeding held before or of any survey or demarcation directed by the Collector under this Act shall be payable by the parties concerned and the Collector may pass such orders as he shall think fit in respect of the payment of such costs; and in the event of such costs not being paid on demand may recover the amount thereof in the same manner as if it were an arrear of land revenue and pay the sum so recovered to the person entitled to receive it.

**11.** On the transfer of the proprietary interest in any estate whether by purchase, inheritance, gift or otherwise any mutation that may be required of the name of the proprietor registered under section 6 of this Act shall take place in conformity with the provisions of Regulation XXVI of 1802.

**12.** Every registered proprietor shall be considered to be the landholder of the estate in respect of which his name is registered within the meaning of and for the purposes of the Revenue Recovery Act II of 1864 of the Madras Code and no process taken against him under the said Act shall be called in question in any Court of Law on the ground merely of any error in such registration.

**13.** The Board of Revenue may make subsidiary rules for the carrying out of the purposes of this Act.

**14.** Notwithstanding anything contained in Regulations I and II of 1803 of the Madras Code, no appeal shall lie to the Board of Revenue from any order made by the District Collector under this Act.

**15.** Except as otherwise provided by this Act, no Civil Court shall have jurisdiction in any matter which the Collector is empowered by or under this Act to dispose of or take cognizance of the manner in which the Collector exercises any powers vested in him by or under this Act.

**16.** Nothing contained in this Act and nothing done in accordance with this Act shall be deemed to—

(*a*) preclude the Local Government or any person from bringing a regular suit for possession of or for a declaration of right to any immovable property to which the Local Government or such person may deem itself or himself entitled; or

(*b*) render a registration under this Act an admission on the part of the Local Government of the right of the person in whose name such estate may be registered or an admission of the validity of the title under which the estate is held; or

(*c*) affect the rights of the Local Government or of any person in respect of any estate or of any interest therein except as otherwise expressly provided herein.

**17.** The Local Government may by notification suspend the operation of this Act in any specified portion of the districts to which it applies and may by subsequent notification bring it again into operation.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

—

A

# BILL

TO

Make better provision for the registration of proprietors of land subject to the payment of land revenue to Government in Malabar and the Wynaad.

(Hon'ble Mr. F. Grose)

Introduced 1895.

No 3 of 1895

A

# BILL

TO

*Limit the local extent of the Madras Rent Recovery Act, VIII of* 1865.

WHEREAS it is expedient to exclude the Malabar district and the portion of the Nilgiri district known as South-East Wynaad from the operation of Act VIII of 1865 (Madras), it is hereby enacted as follows:—

**1.** The provisions of the Madras Rent Recovery Act VIII of 1865, as amended by Madras Acts II of 1871 and III of 1890, shall not apply to the Malabar district nor to that portion of the Nilgiri district which is known as the South-East Wynaad.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

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A

# BILL

TO

Exclude Malabar and the South-East Wynaad from the operation of Madras Act VIII of 1865.

(Hon'ble Mr. J. Grose)

Introduced 1895.

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[Despatch Abstract.]

Bills, Legislative

Directing the publication in the Fort St George Gazette in English and in Malayalam of ~~two bills~~ ~~viz~~ a Bill to make better provision for the registration of proprietors of land subject to the payment of land revenue to Govt in Malabar & Wynaad & a bill to limit the local extent of the Madras Rent Recovery act VIII of 1865 together with their statements of Objects & Reasons.

For Letter

Bills, Legislative

Forwarding to the Govt of India drafts of ~~two bills viz~~ a Bill to make better provision for the registration of ~~landed~~ proprietors of land subject to the payment of land revenue to Govt in Malabar and Wynaad, & a bill to limit the local extent of the Madras Rent Recovery act VIII of 1865, ~~& &~~ with a request that any observations which the Government may see fit to communicate ~~as~~ regarding them, may be transmitted by telegram.

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Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only. / Order complete with Letter.

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ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

GOVERNMENT WITH DITTO.

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